

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

TELLUS OPERATING GROUP, LLC, ET AL **PLAINTIFFS**
VERSUS **CIVIL ACTION NO. 2:04cv327KS-MTP**

TEXAS PETROLEUM INVESTMENT COMPANY, ET AL **DEFENDANTS**

Consolidated With

TELLUS OPERATING GROUP, LLC, ET AL **PLAINTIFFS**
VERSUS **Civil Action No. 2:05cv2176KS MTP**

TOTAL PETROCHEMICALS USA, INC. **DEFENDANT**

ORDER OF REMAND

This matter is before the court on Motion to Remand Civil Action No. 2:04cv327 [224] and to Dismiss Civil Action No. 2:05cv2176 for lack of subject matter jurisdiction filed on behalf of the plaintiffs. The court, having conducted a telephonic hearing on this matter and having ordered expedited briefing on this issue has been advised by the defendants that they agree that the court lacks subject matter jurisdiction by virtue of the fact that some of the plaintiffs share state of residency with some of the defendants in each of these cases.

The court, having carefully examined this matter and being fully advised in the premises concludes that it does indeed lack subject matter jurisdiction and that Civil Action No. 2:04cv327 should be remanded and Civil Action No. 2:05cv2176 should be dismissed without prejudice.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion to Remand

Civil Action No. 2:04cv327 **[#224]** and to Dismiss Civil Action No. 2:05cv2176 be and the same is hereby Granted and Civil Action No. 2:04cv327 is remanded to the Circuit Court of Lamar County, Mississippi, and Civil Action No. 2:05cv2176 is Dismissed without prejudice.

SO ORDERED AND ADJUDGED this the 17th day of January, 2007.

s/ *Keith Starnett*
UNITED STATES DISTRICT JUDGE